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10/757,940	01/15/2004	Stephen G. Moore	14846-25	4644

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EXAMINER

CHEUNG, MARY DA ZHI WANG

ART UNIT

PAPER NUMBER

3694

MAIL DATE

DELIVERY MODE

02/24/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/757,940

Applicant(s)

MOORE ET AL.

Examiner

MARY CHEUNG

Art Unit

3694

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/22)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to applicant's filing on November 24, 2009. Claims 1-16 are pending and examiner below.

Response to Arguments

2. Applicant's arguments filed November 24, 2009 have been fully considered but they are not persuasive.

The applicant's argues that Potter and Charette are improperly combinable because the two references are different field of endeavor. The examiner respectfully disagrees. Potter discloses online trading specifically for currencies, and Charette discloses online trading specifically for merchandise. Although the trading products are different, both they both deal with trading via internet. Therefore, it is believed that Potter and Charette are in the similar field of endeavor and they have been properly combined.

The applicant further argues that Charette fails to teach capable of receiving trade data and transmitting the trade data to a price system via email or an email attachment. The examiner respectfully disagrees. At first, the examiner would like to specifically point out the limitation is intended use and not a positive limitation because of the word "capable" (See *In re Schreiber*, 44 USPQ 2d 1429, and *In re Collier*, 158 USPQ 266). Secondly, Potter teaches this limitation except for data transmission via email or an email attachment (column 4 line 45 - column 5 line 35 and Figs 1-2), and Charette teaches transmitting trade data via emails (§ 10, 64). Thus, the combined teaching teaches the claimed limitation.

In response to the applicant's arguments that Potter, Charette and Finebaum are improperly combinable because the two references are different field of endeavor, all there references are deal with online trading. Therefore, it is believed that Potter, Charette and Finebaum are in the similar field of endeavor and they have been properly combined.

Claim Objections

3. Claim 1 is objected to because of the following informalities: in line 7, the letter "a" should be deleted before the word "said". Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 4-7 and 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,787,402 to Potter in view of US Patent Application Publication 2002/0069114 to Charette.

With respect to claim 1

Potter teaches:

A computer implemented method for pricing a trade comprising:
providing a user input capable of entry of trade data (inputting
information, see col 3, line 22);

providing a structure capable of receiving said trade data (new order entry screen, see col 13, lines 34-43 and Fig 24);

providing a user input capable of manually entry of pricing data, wherein pricing data manually entered by the user is added to said structure (column 7 lines 35-36 and Fig. 5; *"manually entry of pricing data" corresponds to the trading currency amount entered by the user*) and pricing data not manually entered by the user is received by said structure from a said pricing system (column 12 lines 40-44; *"pricing data not manually entered by the user" corresponds to the automatically executed pricing that within the user specified parameters*); and

displaying said structure with said trade data including pricing information (when the rate is received, the Term of the currency will be displayed, see col 8, lines 1-5).

Potter further teaches the structure is capable of transmitting said trade data to a pricing system via a computer network (column 4 line 45 - column 5 line 35 and Figs 1-2).

Potter does not specifically teach said structure is capable of transmitting the trade data via email or an email attachment. However, this matter is taught by Charette as transmitting trade data via emails (§ 10, 64).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the computer network in Potter's teaching to include capability of transmitting trade data via email as taught by Charette so that the buyer and seller would have better acknowledgement for the trade.

With respect to claims 4 and 12

Potter teaches:

providing a user input for entering one or more trades comprises translating data representing one or more trades from a user treasury system into a form suitable for use in said structure (inputting information, see col 3, line 22. Note that the input action translates the conceptual order, including the goals and aims of the purchaser, into the specific inputs to be processed by the system).

With respect to claims 5 and 13

Potter teaches:

A method in accordance with claim 1 (see rejection of claim 1 above) wherein displaying said structure comprises translating data from said structure into data representing one or more trades in a user treasury system (transaction view, see col 10, lines 51-60 and Fig 18).

With respect to claim 6

Potter teaches:

wherein providing a user input for entering trade data comprises providing a user input for entering trade data directly into said structure (various terminals, see col 3, lines 20-26).

With respect to claim 7

See rationale support the rejection of claim 1 above.

With respect to claim 14

Potter teaches:

storing said trade data at said pricing system (stores a time-stamped copy of the rate quotation, see col 7, lines 53-56).

With respect to claim 15

Potter teaches:

executing one or more trades using said trade data stored at said pricing system (the FX Trade Server sends a copy of the trade to the Multibank Confirmation and Settlement System, see col 8, lines 19-67).

With respect to claim 16

Potter in view of Charette teaches:

A computer implemented method for pricing a trade comprising:

providing a user input capable of entry of trade data (Potter: inputting information, see col 3, line 22);

providing a structure capable of receiving said trade data (Potter: new order entry screen, see col 13, lines 34-43 and Fig 24), wherein said structure is capable of transmitting said trade data to a pricing data via email or an email attachment (Potter: column 4 line 45 - column 5 line 35 and Figs 1-2; Charette: ¶ 10, 64; see claim 1 above for rationale supporting obviousness, motivation and reason to combine);

providing a user input capable of manually entry of pricing data, wherein pricing data manually entered by the user is added to said structure (Potter: column 7 lines 35-36 and Fig. 5; *"manually entry of pricing data" corresponds to the trading currency amount entered by the*

user), and displayed with said trade data including pricing information devoid of encrypting and decrypting of said structure on a computer screen (Potter: Figs. 15-16; note there is no encryption or decryption taking place); and wherein pricing data not manually entered by the user is received by said structure from a pricing system (Potter: column 12 lines 40-44; *"pricing data not manually entered by the user" corresponds to the automatically executed pricing that within the user specified parameters*); and

displaying said structure with said trade data including pricing information (Potter: when the rate is received, the Term of the currency will be displayed, see col 8, lines 1-5).

6. Claims 2-3 and 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Potter in view of Charette, and in further view of US Patent Application Publication 2002/0156719 to Finebaum.

With respect to claim 2

Potter in view of Charette teaches:

A method in accordance with claim 1 (see rejection of claim 1 above), but does not explicitly teach further comprising: encrypting said structure before transmitting said structure to a pricing system.

Finebaum teaches:

further comprising: encrypting said structure before transmitting said structure to a pricing system (see par 31 and 50).

It would have been obvious to one having ordinary skill in the art at the time of Applicant's invention to have provided Potter in view of Charette with the encryption features taught by Finebaum in order to have allowed only authorized users to access the system as taught explicitly by Finebaum (see par 31).

With respect to claim 3

Potter in view of Charette and Finebaum teaches:

A method in accordance with claim 1 (see rejection of claim 1 above) further comprising: decrypting said structure after receiving said structure from said pricing system (see Finebaum par 31 and 50, note that it is inherent in an encrypted communication system that the intended receiver of the communication decrypt it.)

(see rational supporting obviousness and motivation to combine of claim 2 above).

With respect to claim 8

Potter in view of Charette and Finebaum teaches:

A method in accordance with claim 7 (see rejection of claim 7 above) further comprising: encrypting said structure at said user system before transmitting said structure to said pricing system (see Finebaum, par 31 and 50).

(see rational supporting obviousness and motivation to combine of claim 2 above).

With respect to claim 9

Potter in view of Charette and Finebaum teaches:

A method in accordance with claim 8 (see rejection of claim 8 above) further comprising: decrypting said structure at said pricing system after receiving said

structure from said user system. (see Finebaum par 31 and 50, note that it is inherent in an encrypted communication system that the intended receiver of the communication decrypt it.)

(see rational supporting obviousness and motivation to combine of claim 2 above)

With respect to claim 10

Potter in view of Charette and Finebaum teaches:

A method in accordance with claim 7 (see rejection of claim 7 above) further comprising: encrypting said structure at said pricing system before transmitting said structure to said user system(see Finebaum, par 31 and 50).

(see rational supporting obviousness and motivation to combine of claim 2 above).

With respect to claim 11

Potter in view of Charette and Finebaum teaches:

A method in accordance with claim 10 (see rejection of claim 10 above) further comprising: decrypting said structure at said user system after receiving said structure from said pricing system. (see Finebaum par 31 and 50, note that it is inherent in an encrypted communication system that the intended receiver of the communication decrypt it.)

(see rational supporting obviousness and motivation to combine of claim 2 above).

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Inquire

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARY CHEUNG whose telephone number is (571)272-6705. The examiner can normally be reached on Monday – Thursday from 10:00 AM to 7:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached on (571) 272-6712.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

The fax phone numbers for the organization where this application or proceedings is assigned are as follows:

- (571) 273-8300 (Official Communications; including After Final Communications labeled "BOX AF")
- (571) 273-6705 (Draft Communications)

/Mary Cheung/
Primary Examiner, Art Unit 3694
February 16, 2010